

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the reasons that follow.

A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate, defined status identifier.

**Claim Rejections under 35 U.S.C. 102**

Claims 1, 6, 9, 10, 17, and 20 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,356,323 (Petruchik). Applicants respectfully traverse the rejection. Applicants also reserve the right to swear behind Petruchik as a prior art reference.

Claim 1 requires, *inter alia*:

a switchable optical layer, having in use either a transparent state or a non transparent state and being electrically switchable between the transparent state and the non transparent state,

On page 2 of the Office Action, the Examiner argues that Petruchik Col. 3, lines 31-34 and Col. 3, line 65 – Col. 4, line 2 show this claim element. Col. 3, lines 31-34 states:

Application of electrical fields of various intensity and duration can change the state of the chiral doped liquid crystal material from a reflective state to a transmissive state.

However, the *very next sentence* states:

These materials have the advantage of maintaining a given state indefinitely after the electrical field is removed.

(Col. 3, lines 34-36, emphasis added.) Thus, Petruchik teaches the use of materials that are not “electrically switchable” between two states, as required by Claim 1. Rather, Petruchik uses materials which maintain a state “indefinitely.”

The distinction that Petruchik uses materials which are not “electrically switchable” is further shown by the second section cited by the Examiner, Col. 3, line 65 – Col. 4, which states:

This first light modulating layer 34 including a liquid crystal material having a chiral dopant selected so that regions can be placed in a state where colored light is reflected in a first portion of the spectrum.

(Emphasis added.) The fact that the material is “placed” in a state where colored light is reflected further shows that the light-modulating layer is not “electrically switchable” between two states. The second and third light-modulating layers are also described by Petruchik as being “placed in a state where colored light is reflected in second and third portions of the spectrum.” (Col. 4, lines 15-17.) Placing these layers in a state completely misses the “important property” described by the Applicant as follows:

The important property of the switchable optical layer 112 is that it can be switched from being in a substantially transparent state to being in a substantially reflective state.

(Para. [0020], present application.)

As can be seen above, Petruchik does not disclose, teach or suggest a “switchable optical layer” which is “electrically switchable between [a] transparent state and [a] non transparent state,” as required by Claim 1. Claims 6, 9, 10, 17, and 20 depend from Claim 1 and include this same “switchable optical layer.” Accordingly, the rejection of Claims 1, 6, 9, 10, 17, and 20 cannot be properly maintained. Reversal of the rejection is respectfully requested.

#### **Claim Rejections under 35 U.S.C. 103**

Claims 4, 7, and 8 were rejected under 35 U.S.C. 103 as being unpatentable over Petruchik in view of U.S. Patent No. 5,452,113 (Ikeno). Applicant respectfully traverses the rejection. As discussed above, Petruchik fails to disclose, teach or suggest a “switchable optical layer” which is “electrically switchable between [a] transparent state and [a] non transparent state, required by Claim 1. Claims 4, 7, and 8 depend from Claim 1 and require this same “switchable optical layer.” Ikeno does not disclose, teach or suggest the “switchable optical layer” missing from Petruchik. Thus, the combination of Petruchik and Ikeno fails to disclose, teach or suggest each and every claim element required by Claims 4, 7, and 8. The rejection of Claims 4, 7, and 8 under 35 U.S.C. 103 cannot be properly maintained. Reversal of the rejection is respectfully requested.

Claims 11 and 12 were rejected under 35 U.S.C. 103 as being unpatentable over Petruchik in view of U.S. Patent No. 6,462,805 (Wu et al.). Applicant respectfully traverses the rejection. As discussed above, Petruchik fails to disclose, teach or suggest a “switchable optical layer” which is “electrically switchable between [a] transparent state and [a] non transparent state, required by Claim 1. Claims 11 and 12 depend from Claim 1 and require

this same "switchable optical layer." Wu et al. does not disclose, teach or suggest the "switchable optical layer" missing from Petruchik. Thus, the combination of Petruchik and Wu et al. fails to disclose, teach or suggest each and every claim element required by Claims 11 and 12. The rejection of Claims 11 and 12 under 35 U.S.C. 103 cannot be properly maintained. Reversal of the rejection is respectfully requested.

**Allowable Subject Matter**

Applicants thank examiner for noting claim 21 as allowed.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a credit card payment being in the wrong amount, post-dated, otherwise improper or informal, or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extension of time is needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extension fees to Deposit Account No. 19-0741.

Respectfully submitted,

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